

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

ANTHONY TYRONE MOSS,

Plaintiff,

V.

WARDEN CARTER DAVENPORT,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No. 4:11-cv-01397-KOB-RRR

MEMORANDUM OF OPINION

The magistrate judge filed a report on August 10, 2011, recommending that this action be dismissed without prejudice for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Although the plaintiff was advised of his right to file specific written objections, he has failed to respond to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court finds that the magistrate judge's report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED. Accordingly, this action is due to be dismissed without prejudice for failing to state a claim upon which can be granted, pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 12th day of September 2011.

Karon O. Bowdre
KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE